

# Croydon Council

For general release

<b>REPORT TO:</b>	<b>TRAFFIC MANAGEMENT ADVISORY COMMITTEE</b>  26 <sup>th</sup> April 2016
<b>AGENDA ITEM:</b>	<b>27</b>
<b>SUBJECT:</b>	<b>TRAFFIC MANAGEMENT ORDERS DELEGATED AUTHORISATION FOR TRAFFIC &amp; PARKING SCHEMES</b>
<b>LEAD OFFICER:</b>	<b>Jo Negrini, Executive Director of Place</b>
<b>CABINET MEMBER:</b>	<b>Councillor Kathy Bee, Cabinet Member for Transport and Environment</b>
<b>WARDS:</b>	<b>All</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>  This report is in line with objectives to improve the safety and reduce obstructive parking on the Borough's roads as detailed in: <ul style="list-style-type: none"><li>• The Local Implementation Plan; 3.6 Croydon Transport policies</li><li>• Croydon's Community Strategy; Priority Areas 1, 3, 4 and 6</li><li>• The Croydon Plan 2<sup>nd</sup> Deposit; T4, T7, T35, T36, T42 and T43.</li><li>• Croydon Corporate Plan 2013 – 15</li><li>• <a href="http://www.croydonobservatory.org/strategies/">www.croydonobservatory.org/strategies/</a></li></ul>	
<b>FINANCIAL IMPACT:</b>  These proposals can be contained within available budget.	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b> n/a	
<b>1. RECOMMENDATIONS</b>  1.1  That the Traffic Management Advisory Committee note the intention to seek a delegation from the Leader that :  the Leader be requested to:  1.1.1 Delegate to the Executive Director for Place authority to introduce any Traffic Management Orders under the Road Traffic Regulation t Act 1984 (as amended) which they consider are necessary to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway and for the purpose	

of making such Orders:

- a) Give Public Notice of the intention to make an Order;
- b) consider any objections received in response to the giving of Public Notice;
- c) determine whether or not to make and implement the Order.

## 1.2

That the above delegation be subject to the Executive Director for Place referring to the Traffic Management Advisory Committee for consideration and onward recommendation to the Cabinet Member for Transport and Environment any proposal for a Traffic Management Order which may:

- involve significant expenditure or saving having regard to the Council's budget for the service or function to which the decision relates; or
- is significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough; or
- they consider it appropriate to do so for any other reason.

## **2. EXECUTIVE SUMMARY**

- 2.1 This Report provides background to the proposal that recommendations be made to the Leader to change the arrangements for making Traffic Management Orders (TMO's) under the Road Traffic Regulation Act 1984 (as amended).
- 2.2 If agreed, these delegations will amend the Leader's existing Scheme of Delegation and enable the Executive Director of Place to progress what might be considered more routine traffic management schemes without undue delay and reduce the business of the Traffic Management Advisory Committee (TMAC), while still providing for more significant schemes to be referred to TMAC, the agenda for which would then be better able to give these fuller consideration before making recommendations to the Cabinet Member for Transport and Environment.

## **3. DETAIL**

- 3.1 Currently the Council's decision making arrangements, implemented in accordance with the Constitution, provide that to make a TMO approval for the giving of Public Notice (also known as formal consultation) must be given from the Cabinet Member for Environment and Transport on the recommendation of TMAC. The Leader of the Council has also given the Cabinet Member delegated authority where matters relating to traffic management require an urgent decision and TMAC is not available to be consulted prior to the decision being made. However, for non-urgent matters the current arrangements can have a delaying effect on the work flow for the Highway Improvements Team as there may not be a committee meeting at a suitable time to progress a scheme. In some cases this means it is not possible to implement schemes during a financial year with subsequent consequences for residents and road users.

- 3.2 Making Traffic Management Orders (TMOs) first requires the giving of Public Notice (referred to in this report as formal consultation) . TMO's are necessary for the creation or amendment of traffic management matters such as:
- Controlled parking schemes including, for example, disabled parking bays, permit/pay and display parking bays, school Keep Clear markings, new or extended Controlled Parking Zones, waiting and loading yellow line parking restrictions, disabled and other parking bays and school keep clear markings.
  - Non-parking related traffic management schemes requiring TMOs include, for example, one-way streets, road closures, banned turns, bus lanes and zebra crossings, mandatory cycle lanes, pedestrian zones, lorry bans, width and height restrictions.
- 3.3 Presently there are two points at which members of the public can engage with the Council before a Traffic Management Order is made. First during the informal consultation (where undertaken) and secondly, during the formal consultation. Informal consultation usually consists of a questionnaire delivered to residents and businesses and assists in formulating the Traffic Management Scheme. Formal consultation is when public notices are published and displayed in the area giving all members of the public an opportunity to comment on the proposal the representations are then taken into consideration before a final decision is made.
- 3.4 If agreed the Recommendation will reduce the significant number of reports to and workload of TMAC and rather, allow the Committee to prioritise and focus on important or controversial schemes.
- 3.5 In the spirit of openness and transparency it is proposed that the Cabinet Member for Transport and Environment is kept regularly updated with the Traffic Management Order decisions taken and any TMO's made under this delegation would be reported for noting to the next available TMAC meeting.
- 3.6 Appendix 1 shows the proposed procedures for introducing Traffic Management Order's under the proposed delegation.

### **3.5 Amendments to the Leader's Scheme of Delegation**

The Leader's Scheme of Delegation currently provides:

#### ***Cabinet Member for Transport and Environment***

*To exercise all functions, powers and duties of the Council as the Traffic and Highway Authority in relation to Traffic Management issues, making comments on minor applications which fall to be determined by other authorities, and determining any matters referred to the Cabinet Member by the Executive Director of Place in respect of highways and traffic management, in consultation with the Traffic Management Advisory Committee.*

- 3.6 To implement these Recommendations it is proposed to amend the Leader's Scheme of Delegations to provide:

***Cabinet Member for Transport and Environment***

*Subject to para. 1 below, to exercise all functions, powers and duties of the Council as the Traffic and Highway Authority in relation to Traffic Management issues, making comments on minor applications which fall to be determined by other authorities, and determining any matters referred to the Cabinet Member by the Executive Director of Place in respect of highways and traffic management, in consultation with the Traffic Management Advisory Committee.*

***I. Delegations to the Executive Director for Place.***

*The Executive Director for Place is authorised to introduce any Traffic Management Orders under the Road Traffic Regulation Act 1984 (as amended) which they consider are necessary to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway and for the purpose of making such Orders:*

- a) Give Public Notice of the intention to make an Order;*
- b) consider any objections received in response to the giving of Public Notice;*
- c) determine whether or not to make and implement the Order.*

*Subject to the Executive Director for Place referring to the Traffic Management Advisory Committee for consideration and onward recommendation to the Cabinet Member for Transport and Environment any proposal for a Traffic Management Order which may:*

- involve significant expenditure or saving having regard to the Council's budget for the service or function to which the decision relates; or*
- is significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough; or*
- they consider it appropriate to do so for any other reason.*

## **4 CONSULTATION**

- 4.1 Giving Public Notice is the legal process of formal consultation for Traffic Management Orders. It takes place in the form of Public Notices published in the London Gazette and a local paper (Croydon Guardian). Although it is not a legal requirement this Council also fixes street notices to lamp columns in the vicinity of the proposed scheme and writes to occupiers who are directly affected to inform as many people as possible of the proposals.

- 4.2 Official bodies such as the Fire Brigade, the Cycling Council for Great Britain, The Pedestrian Association, Age UK, The Owner Drivers' Society, The Confederation of Passenger Transport and bus operators are consulted under the terms of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Additional bodies, up to 27 in total, are consulted depending on the relevance of the proposals.
- 4.3 Once the notices have been published the public has 21 days to comment or object to the proposals.

## **5 FINANCIAL CONSIDERATIONS**

- 5.1 This decision will enable Traffic Management Advisory Committee and officers to be more efficient and focus limited resources appropriately.
- 5.2 Approved by:

## **6. COMMENTS OF THE COUNCIL SOLICITOR, AND MONITORING OFFICER**

- 6.1 The Solicitor to the Council comments that the making of TMO's is an executive function which can be delegated by the Leader to an Executive Member or an officer.
- 6.2 Section 6, 124 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (as amended) provides powers to introduce, implement and revoke Traffic Management Orders. In exercising this power, section 122 of the Act imposes a duty on the Council to have regard (so far as practicable) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. The Council must also have regard to such matters as the effect on the amenities of any locality affected.
- 6.3 The Council needs to comply with the necessary requirements of the Local Authorities Traffic Order Procedure) (England and Wales) Regulations 1996 by giving the appropriate notices and receiving representations. Such representations must be considered before a final decision is made.
- 6.4 The requirements of Local Authorities Traffic Order Procedure) (England and Wales) Regulations 1996 will continue to be adhered to.
- 6.5 Approved by: Gabriel MacGregor Acting Council Solicitor and Acting Monitoring Officer

## **7. HUMAN RESOURCES IMPACT**

- 7.1 There are no immediate human resources considerations arising from the recommendations of this report for LBC staff or workers.

7.2 Approved by: Michael Pichamuthu, HRBP, on behalf of Heather Daley, Director of HR

**8. EQUALITIES CONSIDERATIONS**

8.1 An initial Equalities Impact Assessment (EqIA) has been carried out and it is considered that a Full EqIA is not required.

**9. ENVIRONMENTAL IMPACT**

9.1 There is no environmental impact arising from this report.

**10. CRIME AND DISORDER REDUCTION IMPACT**

10.1 There are no such impacts arising from this report.

**11. REASONS FOR RECOMMENDATIONS**

11.1 The recommendations are to change the procedures for the approval of Traffic Management Orders so that the decision to make a TMO is generally delegated to the Executive Director of Place.

**12. OPTIONS CONSIDERED AND REJECTED**

12.1 The alternative option would be to continue with the current approval process whereby the Traffic Management Advisory Committee makes recommendations to the Cabinet Member for Transport and Environment. However, this would not resolve the current time constraints, especially for schemes which are funded from the Local Implementation Plan, which exist and the opportunity to streamline the decision process would be lost.

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**REPORT AUTHOR / CONTACT OFFICER:**

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**BACKGROUND DOCUMENTS:**

None

Appendix 1 – **Proposed procedures for new traffic management schemes**  
**NB – At any time the Executive Director for Place can refer the matter to the Traffic Management Advisory Committee for consideration and onward recommendation to the Cabinet Member.**

